

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr87

THIS MATTER is before the Court upon remand by the United States Court of Appeals for the Fourth Circuit. (Doc. No. 158; Order).

After this Court denied the defendant's motion for sentencing reduction (Doc. No. 149: Order), the defendant filed a notice of appeal more than ten days after entry of the judgment (Doc. No. 152: Notice of Appeal). The Fourth Circuit directed the Court to determine whether the defendant has shown excusable neglect or good cause warranting an extension of the ten-day appeal period. On July 27, 2009, the Court ordered the defendant to respond within thirty days stating any grounds for extending the time period for an appeal. (Doc. No. 160: Order). The defendant never filed such a response; instead, on September 16, 2009, the defendant filed a motion for leave to substitute grounds in his 28 U.S.C. § 2255 petition. (Doc. No. 163). It is not clear from the docket that the defendant was actually served with the Court's Order requiring a response regarding his late-filed appeal.

IT IS, THEREFORE, ORDERED that the Clerk serve a copy of this Order and the previous Order (Doc. No. 160) on Danny Beckham, No. 20773-058, Estill Federal Correctional Institution, Inmate Mail, P.O. Box 699, Estill, South Carolina 29918-0699 and document such action. The defendant shall have 15 days from the entry of this Order to file his response.

IT IS FURTHER ORDERED that the Clerk notify the Fourth Circuit of the status of this matter.

Signed: September 22, 2009



Robert J. Conrad, Jr.
Chief United States District Judge

